



www.GeorgeWBush.com

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October 14, 2004

Jeff S. Jordan
Supervisory Attorney
Complaints Examination and
Legal Administration
Federal Election Commission
999 E Street, NW
Washington, DC 22210

RE: MUR 5544

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
2004 NOV - 5 11:18 AM

Dear Mr. Jordan:

Bush-Cheney '04, Inc., David Herndon, Treasurer, ("BC '04") has received the complaint designated as MUR 5544.

The complainant alleges that BC '04 engaged in impermissible coordination of a public communication with a non-federal candidate. This is untrue. The President did appear at a public rally with a number of other candidates that included Catherine Hanaway. However, nothing in the FECA was intended to prohibit such First Amendment activity. Footage of the President appears in the advertisement, but the footage was not provided by BC '04, nor was BC '04 aware that the event was being filmed for use in any public communication by her or any other candidate.

Complainant makes numerous allegations unsupported by any evidence whatsoever to argue that BC '04 violated the conduct prong of the coordination regulations. No news articles or other information were provided to substantiate the allegations made. BC '04 did not request or suggest the creation, production or distribution of this communication, nor did BC '04 or its agents approve or review this ad. 11 C.F.R. 109.21(d)(1). Further, BC '04 did not have any material involvement (or have any involvement at all) in any decisions related to this advertisement. 11 C.F.R. § 109.21(d)(2). BC '04 did not engage in substantial discussions with Missourians for Hanaway about this advertisement. 11 C.F.R. § 109.21(d)(3). No suggestion or allegation has been made that 11 C.F.R. § 109.21(d)(4), (5), or (6) has been violated and BC '04 is not aware of any information that would lead to a conclusion that these provisions have been violated.

As a result, the Commission should find no reason to believe and dismiss the complaint.

Sincerely,

Thomas J. Josefiak
General Counsel

Not Printed at Taxpayers' Expense

Paid for by Bush-Cheney '04, Inc.

26044142349

Statement of Designation of Counsel

Please use one form for each respondent

MUR: All MURs Arising from the 2003-2004 Election Cycle

Name of Counsel: Thomas J. Josefiak

Firm: n/a

Address: Post Office Box 10648
Arlington, VA 22210

Telephone: (703) 647-2940
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The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

David Herndon
Print Name

10/18/04
Date


Signature

Treasurer
Title

Respondent's Name: David Herndon

Address: PO Box 10648
Arlington, VA 22210

Telephone Home:

Business:

26044142350